

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOANN FONZONE,
Plaintiff,
v.

JOE OTERI, et al.,
Defendants.

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: **CIVIL ACTION**
: **No. 12-5726**
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ORDER

AND NOW, this _____ day of _____, 2022, upon consideration of Plaintiff Joann Fonzone's Submission in response to the Court's Rule to Show Cause and Defendants' responses thereto, it is **HEREBY ORDERED** that Plaintiff's case is hereby **DISMISSED WITH PREJUDICE** for lack of prosecution.

BY THE COURT:

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOANN FONZONE,

Plaintiff,

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Defendants.**

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**CIVIL ACTION
No. 12-5726**

**DEFENDANT’S AMENDED RESPONSE TO THE COURT’S
RULE TO SHOW CAUSE FOR FAILURE TO PROSECUTE**

Defendant, Christopher Bee, by and through the undersigned counsel, hereby files this Response Requesting Dismissal of Plaintiff’s lawsuit for Failure to Prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. In support thereof, Moving Defendant adopts, joins in, and incorporates by reference the same as though it was fully set forth herein at length the Memorandum of Law filed on behalf of Co-Defendants CITY OF PHILADELPHIA, OFFICER KELECHEWISCKY, OFFICER KOVAC, LESINETTE ORTIZ. Moving Defendant respectfully requests that this Court dismiss Plaintiff’s claims against him with prejudice.

Date: March 30, 2022

JAMES J. BINNS, ESQUIRE

1125 Walnut Street

Philadelphia, PA 19107

P: 215-275-3000

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James@jamesbinns.net

Attorney for the Defendant, Christopher Bee

/s/ James J. Binns

BY: _____

James J. Binns, Esquire

**IN THE UNITED STATES DISTRICT COURT
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JOANN FONZONE,

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**AMENDED MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT'S
RESPONSE AND MOTION TO DISMISS FOR FAILURE TO PROSECUTE**

Defendant, Christopher Bee, by and through the undersigned counsel, hereby files this Response Requesting Dismissal of Plaintiff's lawsuit for Failure to Prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. In support thereof, Moving Defendant adopts, joins in, and incorporates by reference the same as though it was fully set forth herein at length the Memorandum of Law filed on behalf of Co-Defendants, CITY OF PHILADELPHIA, JAMES KISIELEWSKI, LISETTE ORTIZ AND MARK KOVACS.

I. CONCLUSION

For the reasons set forth, Defendant, Christopher Bee, hereby requests that this Court dismiss all claims asserted against him with prejudice.

Date: March 30, 2022

JAMES J. BINNS, ESQUIRE

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Attorney for the Defendant, Christopher Bee

/s/ James J. Binns

BY:

James J. Binns, Esquire

**IN THE UNITED STATES DISTRICT COURT
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AMENDED CERTIFICATE OF SERVICE

I hereby certify that on the date below, the Defendant's Amended Motion has been filed on ECF and is available for viewing and downloading by all parties. A copy will also be sent via first class mail to:

Joann Fonzone
631 Primrose Lane
Allentown, PA 18104

Date: March 30, 2022

JAMES J. BINNS, ESQUIRE

1125 Walnut Street

Philadelphia, PA 19107

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Attorney for the Defendant, Christopher Bee

/s/ James J. Binns

BY: _____

James J. Binns, Esquire